

Application No. 10/688515
Page 4

Amendment
Attorney Docket No. E30.2B-11315-US01

Remarks

This Amendment is in response to the Office Action dated **February 23, 2006**.
Claims 1-17 remain in the application.

Initially, the Examiner rejected claim 1 pursuant to 35 U.S.C. §102(e) as being anticipated by Vukosic U.S. Patent No. 6,844,824 which was a continuation application from U.S. Patent No. 6,483,439 filed October 14, 1999.

Current Application Serial No. 10/688,515 is a continuation-in-part and claims priority to Application Ser. No. 10/625,387 filed July 23, 2003, which in turn is a continuation-in-part of U.S. Patent No. 6,623,151 filed December 14, 2001, which in turn is a continuation-in-part of U.S. Patent No. 6,461,008 filed July 29, 2000, which claims priority to Provisional Patent Application Ser. No. 60/147,204 filed August 4, 1999. U.S. Patent No. 6,461,008 in column 18, lines 15-57, provides support for the elements of Applicants claim 1 as amended herein.

Applicant respectfully asserts that the present claim 1 has priority to August 4, 1999. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 pursuant to 35 U.S.C. §102(e) as being anticipated by Vukosic '824.

The Examiner next rejected claim 2 pursuant to 35 U.S.C. §103(a) as being unpatentable over Vukosic '824. For the above-identified reasons, Applicant respectfully asserts that the Vukosic '824 reference may not be cited as prior art against Applicants' claims herein. Applicant therefore respectfully requests the withdrawal of the rejection of claim 2 pursuant to 35 U.S.C. §103(a) over Vukosic '824.

The Examiner next rejected claims 3, 7, 11, and 13, under 35 U.S.C. §103(a) as being unpatentable over Vukosic '824 in view of Lau Patent Publication No. US2003/0169164A1. The Lau '169164 patent publication has a priority application filing date of March 5, 2002. Applicant respectfully asserts herein that Applicants' claim 1 has priority to August 4, 1999, within the chain of priority as identified above. Applicant therefore respectfully asserts that the Lau Patent Publication '169164 may not be asserted as a prior art reference against Applicants claims herein. Applicant therefore respectfully requests the Examiner to withdraw the rejection of claims 3, 7, 11, and 13, pursuant to 35 U.S.C. §103(a) over Vukosic '824 in view of Lau Patent Publication '169164.

The Examiner next rejected claims 4 and 5 pursuant to 35 U.S.C. §103(a)

Application No. 10/688515
Page 5

Amendment
Attorney Docket No. E30.2B-11315-US01

asserting the same to be unpatentable over Vukosic '824 in view of Lau Patent Publication '169164 and Jankowski U.S. Patent No. 3,911,430. The Examiner asserted that Jankowski '430 disclosed the use of LED assemblies 13, having housing 23, support 19, cover 31, and light pipe 28 (Fig. 3).

Applicant respectfully asserts herein that for the reasons identified above, that neither Vukosic '824 nor Lau Patent Publication '169164 may be asserted as prior art references against Applicants claims herein. The Jankowski '430 patent as reviewed by Applicant does not render obvious the elements of Applicants claim 1 as amended herein. Applicant therefore respectfully requests the Examiner to withdraw the rejections of claims 4 and 5 pursuant to 35 U.S.C. §103(a) over Vukosic '824, in view of Lau Patent Publication '169164, and Jankowski '430.

The Examiner next rejected claim 6 pursuant to 35 U.S.C. §103(a) as being unpatentable over Vukosic '824 in view of Lau Patent Publication '169164 and Phillips 5,708,428. The Examiner asserted that Phillips teaches the inclusion of an LED assembly with couplers 46 and pockets to engage the LEDs (Col. 5, lines 58-67; Fig. 6).

For the reasons identified above Applicant respectfully asserts herein that neither Vukosic '824 nor Lau Patent Publication '169164 may be asserted as prior art references against Applicants claim 1 as amended herein. A review of the Phillips '428 reference reveals that the Phillips '428 reference fails to render the elements of Applicants claims as amended herein obvious under 35 U.S.C. §103(a). Applicant respectfully requests the Examiner to withdraw the rejection of Applicants claims as amended herein pursuant to 35 U.S.C. §103(a) over Vukosic '824 in view of Lau Patent Publication '169164 and Phillips '428.

The Examiner next rejected claim 12 pursuant to 35 U.S.C. §103(a) as being unpatentable over Vukosic '824 in view of Lau Patent Publication '169164 and Bader 5,422,623. The Examiner asserted that Bader discloses the use of a conventional vehicular light source in end cap assemblies of a light bar system, the system being either angled or linear (Col. 6, line 32).

For the reasons identified above, Applicant respectfully asserts that neither the Vukosic '824 nor Lau Patent Publication '169164 references may be cited as prior art against Applicants claims as amended herein. Applicants review of the Bader '623 fails to provide any

Application No. 10/688515
Page 6

Amendment
Attorney Docket No. E30.2B-11315-US01

support or teaching to render Applicants claim 1 as amended herein obvious pursuant to 35 U.S.C. §103(a). Applicant therefore respectfully requests that the Examiner withdraw the rejection of claim 12 pursuant to 35 U.S.C. §103(a) over Vukosic '824 in view of Lau Patent Publication '169164 and Bader '623.

Applicant respectfully asserts dependant claims are generally allowable if they depend from an allowable base claim. Applicant respectfully asserts that claim herein is allowable over the prior art of record. Therefore, claims 2-17 are also allowable over the prior art of record.

For the above-identified reasons Applicant respectfully requests reconsideration and allowance of claims 1-17 herein. Applicant believes that claims 1-17 as amended herein are allowable over the prior art of record as cited by the Examiner herein. Reconsideration to that effect is respectfully requested. Applicant respectfully asserts that claims 1-17 as amended herein are in condition for allowance. Applicant respectfully requests reconsideration and allowance of claims 1-17 as amended herein.

Formalities

Should the Examiner have any questions concerning this Amendment, then the Examiner is cordially invited to contact the undersigned by telephone, facsimile, and/or E-Mail at the below identified address. If an extension of time is required to make this response timely and no separate petition is enclosed, Applicant hereby petitions for an extension of time sufficient to make the response timely. In the event that the response herein requires the payment of additional government fees and payment is not enclosed, please charge Deposit Account No. 22-0350.

Application No. 10/688515
Page 7

Amendment
Attorney Docket No. E30.2B-11315-US01

Conclusion

It is believed that claims 1-17 in the present application are in condition for allowance in view of the foregoing. Applicant respectfully requests reconsideration of the claims herein and that the rejections be withdrawn and the claims allowed. Applicant respectfully requests the Examiner to reconsider the claims as amended herein which Applicant believes puts the application in condition for allowance. Early action to that effect is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: 5-10-, 2006

By: 

Edwin E. Voigt II

Registration No.: 36042

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001
E-Mail: evoigt@vaslaw.com

f:\wpwork\eev\11315us01_and_20060424.doc